

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                            )       No.: 3:07-CR-32  
                                  )       (VARLAN/GUYTON)  
DOUGLAS V. WHISNANT,       )  
                                  )  
Defendant.                   )

**ORDER**

This criminal case is before the Court for consideration of the Report and Recommendation entered by United States Magistrate H. Bruce Guyton on January 29, 2008 [Doc. 41]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(2). Magistrate Judge Guyton concluded that Defendant Douglas V. Whisnant's Fourth Amendment rights were not violated during a search of his residence [Doc. 41 at 7]. Consequently, Magistrate Judge Guyton recommended that the Court deny Defendant Whisnant's second motion to suppress [Doc. 36].

The Court has carefully reviewed this matter, including the underlying pleadings. [See Docs. 36, 37]. The Court is in agreement with Magistrate Judge Guyton's recommendation, which the Court hereby adopts and incorporates into its ruling.

Accordingly, Defendant Whisnant's second motion to suppress [Doc. 36] is **DENIED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 41].

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE